

Application Serial No. 09/928,761

Docket No. 1012-103 (2000-048)
PATENTREMARKS

Claims 8-14, 22-60 are now pending in the above-referenced patent application. Applicants respectfully request further consideration of these claims, in view of the amendments set forth above and the following remarks.

Cancelled Claims

Claims 15-21 have been cancelled to advance the prosecution of the instant case. Applicants expressly reserve the right to refile the cancelled claims, without prejudice, in a continuing application. Applicants' cancellation of these claims should not, in any way, be considered as an admission with respect to any outstanding rejections applying to such claims, and Applicants hereby expressly deny any such interpretation. Likewise, Applicants cancellation of these claims should not, in any way, be considered as a surrender of any subject matter covered by the cancelled claims or any equivalents thereof, and Applicants hereby express their intent to pursue patent coverage for such subject matter and equivalents thereof.

Amended Claims

Claims 8, 9, 12, 13, and 14 have been amended to more distinctly claim what Applicants regard as their invention. Support for these amendments can be found throughout the specification, including for example at page 5/line 25 through page 6/line 2, and page 10/lines 8-15.

Claims 22, 24, and 26 have likewise been amended to more distinctly claim what Applicants regard as their invention. Support for these amendments can be found throughout the specification, including for example at page 6, lines 4-16; page 17, line 13; page 9, lines 19-23; page 14, line 19, and the drawings.

No new matter has been added.

New Claims

New claims 27-46 have been added to claim certain preferred embodiments of the invention. Support for these claims can be found throughout the specification, including for example at page 14/lines 6-17, page 15/lines 23-27, page 16/lines 12-22, page 17/lines 17-24.

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New claims 47-49 have been added to claim certain preferred embodiments of the invention. Support for these claims can be found for example at page 5/line 30, page 6/line 1.

New claims 50-60 have been added to claim certain preferred embodiments of the invention. Support for these claims can be found throughout the specification, including for example at page 10/lines 8-29 and Figures 3.a 3.b, 3.c.

No new matter has been added.

Rejection of Claims 22-26 Under 35 U.S.C. § 112 (Indefiniteness)

Claim 22 has been rewritten to claim the step of forming a library of materials. The prior art describes use of capillary tools for transfer of existing samples, not for the synthesis of new materials.

Claim 22 has been rewritten to define the invention without the adjective "upstream". Support for these claims is present throughout the specification, including p.5 line 17 – p.6 line 4, p.6 lines 5-31, p.7 lines 16-25, Figure 1.c, and Figure 3.a.

Applicants respectfully submit that the rejections under 35 U.S.C. § 112 have been obviated in view of these amendments.

Rejections Under 35 U.S.C. § 103(a)

The Office Action rejects claims 1-21 under 35 U.S.C. § 103(a) based on various combinations of references.

Specifically, independent claims 1, 8, and 15, together with dependent claims 2-7, 9-14, and 16-21 have each been rejected as being obvious over Bjornson. *See* paragraph 11 at page 3 of the Office action. Additionally, examiner cites art by Seubert (paragraph 15 at page 4), Sundberg (paragraph 16 at page 4), Ayres and Coleman (paragraph 17 at page 4), and Hunter (paragraph 18 at page 4).

Claims 1-7 were canceled in the preliminary amendment filed 03-19-2002. Claims 15-21 are canceled in the present amendment. Therefore, the present rejection is moot with respect to these claims.

Applicants respectfully traverse the rejection of claims 8-14, as amended. The inventions defined by these claims would not have been obvious to a person of ordinary skill in the art in

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view of the cited references. The prior art references relied upon in the Office action deal exclusively with aqueous *hydrophilic* systems, and is generally addressed toward biological systems. In contrast, the present claims are directed to capillaries adapted for *hydrophobic* systems. A practitioner in this field would have no reason to address hydrophobic systems (such as mineral oils), or to modify the known-systems in a manner that would lead to Applicants invention.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

The Examiner is hereby authorized to charge the fees required in connection with this Amendment B to Deposit Account No. 50-0496, in accordance with the Transmittal submitted herewith. The Examiner is also authorized to debit any other fees required in connection with this application, or to credit any overpayment of fees in connection with this application to Deposit Account No. 50-0496.

Respectfully submitted,



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